

Minutes of a Regular Meeting

Approved 12/9/04

Town of Los Altos Hills PLANNING COMMISSION

Thursday, October 14, 2004, 7:00 p.m.

Bullis School Multi-Purpose Room, 25890 Fremont Road

cc: Cassettes (1) #12-04

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Bullis School Multi-Purpose Room.

Present: Chairman Kerns, Commissioners Mordo, Collins, Cottrell & Clow

Staff: Carl Cahill, Planning Director; John Chau, Associate Engineer; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

3.1 LANDS OF YU, 14329 Miranda Way (170-04-Misc.) A request for a Final Map Certificate of Correction (Tract No. 1286. (staff-John Chau)

Staff introduced this item by stating that the property owner requested the removal of the building setback line which was recorded with the Final Map. There is no longer a need to have the 150 foot setback line since sanitary sewer service has been added with the sewer main located in Miranda Way. Also, in 1995 the City Council approved seven lots on the same Tract under the same situation noting a precedent for removing the 150 foot setback line. There are currently only a few lots remaining with the 150 foot setback, one of which will be before the Commission in the near future.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Clow, seconded by Commissioner Cottrell and passed by consensus to recommend approval to the City Council of a Certificate of Correction amending a Final Map subject to the Findings as recommended by Staff, Lands of YU, 14329 Miranda Way.

This item will be placed on a City Council agenda.

- 3.2 Amendment to the Land Use Diagram of the Town of Los Altos Hills' General Plan designating: 26800 Ortega Drive (APN 175-33-009, Pinewood School) from "Institution - Elementary School" to "Institution - Public Elementary School and Private School" 12335 Stonebrook Drive (APN 336-28-059, Morgan Manor) from "Institution - Private School" to "Residential – very low to low density"; and an Amendment to the General Plan Land Use Element paragraph 139, page 15 of 20, referencing private school locations as shown on the plan diagram. (staff-Carl Cahill)

The Planning Director introduced this item stating that the amendment direction came from the City Council as the General Plan text is outdated. The Pinewood School site is currently designated as a public elementary school site. It was a public elementary school site sometime before the mid 70's then it closed and a private high school moved onto the property. Even though they obtained a Conditional Use Permit from the Town, there was not a corresponding action to amend the General Plan (institution/private school). Staff is recommending that the General Plan Land Use Diagram be revised to designate this property for both public and private schools. The land is still owned by the Palo Alto School District and it is conceivable that a public school could move back onto the site. The staff report's attached diagram indicated a designation of both elementary school and private school. The other property indicated in the Land Use Diagram is the Morgan Manor which for many years had been the Ford Country Day School, starting operation in 1952, ceasing operation in the 70's or 80's. Now, it is again a private residence which has been beautifully restored. Staff is recommending that this property be re-designated as "Residential-very low density." Also, in the text of the Land Use Element, paragraph 139 indicates there are four private schools on the planned diagram, when in fact, there are only two within the Town boundaries. The other two have been shut down for a long time. It was noted that Kelly Porter owner of Morgan Manor, is aware of this proposed change. Also, both Palo Alto School District and Pinewood School were notified of the change in designation as well as notices sent to properties within 500 feet of both property sites. Cahill felt it was important to amend the General Plan so that the Land Use Element is consistent with what is shown on the General Plan and visa versa.

OPENED PUBLIC HEARING

Roger Burnell, Black Mountain Road, Chairman of the Public Education Committee, has worked with the Planning Director and the City Council to move this item forward. He questioned the statement "Institution-Public Elementary School/Private School" noting "elementary school" was not one of the definitions offered in this package but one of the sub-descriptions under the description of "Public" asking if it was unintentional. The Planning Director felt this was more a Zoning definition. The General Plan already has two broad categories: (1) residential; (2) institution with several sub-categories, one of which is elementary school and one private school.

Commissioner Mordo felt that the sub-heading "elementary school" does not add anything to "public" because they can do whatever they want. However, it would be interesting to have an elementary private school there because it would limit the private school use to the current private school use and there could not be another type of private school there. He felt that they have experienced in the recent past a loss of control over the Town with people doing whatever they want. He felt they should be a little more restrictive up front for better control.

The Planning Director stated that they are using the existing categories rather than creating new ones to keep it simple and under "private school" it could be an elementary school or high school.

Commissioner Kerns indicated that the next item (3.3) gets into the definition of a private and public school and does not distinguish elementary versus high school asking why the General Plan just indicates public school and private school.

Colette Cranston, Fremont Road, suggested that the General Plan diagram designate the Pinewood property "only for public schools." She understood that Pinewood School is leasing the site from a public school. She felt the Town did not want to have multiple private campuses until they have a public school returned.

Commissioner Mordo noted that one of the objectives of cleaning up the General Plan is to show they can enforce it. If it is a public school site and they allow private schools then the Los Altos School District may feel unfairly treatment.

Colette Cranston continued noting that what is needed in the General Plan is what they want it to be in the future. The designation is to indicate the land uses that the Town would like to have.

The Planning Director discussed the history of the Matadero Creek subdivision of which 59 acres was owned by the Palo Alto School District. The Town entered into an agreement to buy the land and as a part of that deal the Town also amended their General Plan accepting the fact that the Palo Alto School District would provide all school plants outside of the Town's boundaries. There seems to be a long term plan in place that the Town accepted in 1981. They could recommend that the Pinewood School site be designated in the General Plan as a public school site. If Pinewood left, and another school came in, they would still have to apply for a Conditional Use Permit.

Commissioner Clow felt this would make them consistent with both the Los Altos School District and the Palo Alto School District. The Bullis School site is designated currently as institutional elementary school. He suggested making them both "public elementary".

Roger Burnell further discussed having both site definitions (Bullis and Pinewood), as "institution – public elementary".

CLOSED PUBLIC HEARING

Commissioner Clow felt they could say that Pinewood is a public elementary school and they are not currently in keeping with their designation. However, if Pinewood does leave and the School District brings someone else in, it would give the Town maximum leverage to bring in a Charter School or any other type of public education. A benefit is that it is consistent between what the Town is doing with Los Altos School District and Palo Alto School District. Also, this is only a recommendation to the City Council. He supported the Morgan Manor wording as indicated.

Commissioner Mordo would drop the word "elementary" as he does not feel it adds anything. The key point is whether or not they use "private". The advantage of "private" is then Pinewood would be in compliance with the current zoning. There is a need to be consistent.

Commissioner Collins felt the designation should be just "public/private".

Commissioner Cottrell agreed with "public/private" designation removing the word "elementary".

Commissioner Kerns agreed. Rather than changing it to "institution elementary school/private" it should be consistent with the next item which is public versus private, they should designate it as a "public/private school" site.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and Commissioner Mordo to adopt the resolution recommending that the City Council approve the proposed Amendment to the Land Use Diagram of the Town of Los Altos Hills' General Plan designating: 26800 Ortega Drive (APN 175-33-009, Pinewood School) from "Institution - Elementary School" to "Institution - Public ~~Elementary School~~, and Private School" and 12335 Stonebrook Drive (APN 336-28-059, Morgan Manor) from "Institution - Private School" to "Residential – very low to low density"; and an Amendment to the General Plan Land Use Element paragraph 139, page 15 of 20, referencing private school locations as shown on the plan diagram.

AYES: Chairman Kerns, Commissioners Clow, Collins, Mordo & Cottrell

NOES: None

This item will be scheduled for a City Council agenda.

- 3.3 Proposed amendment to add definitions for "Public School" and "Private School" to the Town of Los Altos Hills' Zoning Code, Title 10, Chapter 1, Article 2. "definitions." and an amendment to Title 10, Chapter 1, Article 7 "Residential-Agricultural District (R-A)" where Section 10-1.703(f) is proposed to be amended as follows: "Public Schools (where designated on the General Plan Land Use diagram)" and Section 10-1.703(g) is proposed to be amended as follows: "Private Schools (where designated on the General Plan Land Use diagram)." (staff-Carl Cahill)

The Planning Director reviewed the staff report. Discussion ensued regarding the definition of School/Public. Commissioner Cottrell questioned pre-kindergarten/day care as a school.

OPENED PUBLIC HEARING

Roger Burnell, as a point of clarification, stated that there was a part of the Educational Code, according to some, that indicates that the State takes responsibility to educate people from birth until 21 years of age. Under this, there are some special programs including the preschool autistic program whereby the State gives money to School Districts, Counties, etc. to educate challenged students before they reach the kindergarten level so they are off and running prior to kindergarten. The definition as to where kindergarten starts and whether the rules apply or don't is not clear at this moment. Perhaps the City Attorney can review. He further reviewed Sec. 10-1.241(a) School, Private, as it appears in the staff report.

Discussion ensued regarding the meaning of the last sentence: A private school may be a non-sectarian entity (non-public school), or a secular organization associated with a church, religious group or sect.

Mr. Burnell provided a handout regarding wording for a public school as approved by the LAH Public Education Committee at their meeting of September 28, 2004, as follows: "Public School" means a kindergarten school, an elementary school, a secondary school (middle and/or high school), a technical school, a community college, a state college, a state university, or a charter school, or any combination thereof, funded at public expense and operated by a local public agency".

Discussion ensued with the Commission in agreement with the statement "Public School" meaning any combination of kindergarten, elementary school, etc.

CLOSED PUBLIC HEARING

Commissioner Cottrell liked the definition of a public school suggesting applying it to the private school definition as well (any combination of kindergarten, elementary school, etc.) so the two definitions are consistent, established and controlled privately and not funded at public expense. It was suggested a change in the wording to "controlled or administered" by a local public agency for the public schools, and "controlled or administered by a private agency for private schools".

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Clow to recommend that the City Council approve the proposed amendments to the Town Zoning Ordinance, Sec. 10-1241(b) School, Public, "Public School" means kindergarten, an elementary school, a secondary school (middle and/or high school), a technical school, a community college, a state college, a state university, a charter school, or any combination thereof, funded at public expense and controlled or administered by a local public agency". Sec. 10-1241(a) "Private School" means kindergarten, an elementary school, a secondary school (middle and/or high school), a technical school, a community college, a state college, a state university, or any combination thereof (or a school not publicly funded), and controlled or administered privately".

AYES: Chairman Kerns, Commissioners Mordo, Collins, Cottrell & Clow
NOES: None

This item will be scheduled for a City Council agenda.

4. OLD BUSINESS-none

5. NEW BUSINESS-none

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for October 7th – Commissioner Cottrell, reported on the following: report from Council subcommittee on meeting with the Los Altos School District subcommittee on the reopening of Bullis-Purissima School as a Los Altos School District School; and summary and presentation of Godbe Research Telephone Survey on public education in Los Altos Hills.

6.2 Planning Commission Representative for October 21st – Commissioner Mordo

6.3 Planning Commission Representative for November 4th – Commissioner Kerns

6.4 Planning Commission Representative for November 18th – Commissioner Collins

7. APPROVAL OF MINUTES

7.1 Approval of September 23, 2004 minutes

MOTION SECONDED AND PASSED BY CONSENSUS: Motion by Commissioner Clow, seconded by Commissioner Cottrell and passed by consensus to approve the September 23, 2004 minutes with corrections to pages 4, 8 and 9.

8. REPORT FROM FAST TRACK MEETING-SEPTEMBER 28, 2004

8.1 LANDS OF EGGERS & GOUMAS, 12051 Moody Springs Court (120-04-ZP-SD-GD); A request for a Site Development Permit for a 1,925 square foot addition (maximum height 26 feet) and major remodel. (staff-Debbie Pedro) Approved with conditions.

8.2 LANDS OF JACOBSON, 27950 Roble Alto (150-04-ZP-SD-GD); A request for a Site Development Permit for a 1,146 square foot addition (maximum height 26' 10"). (staff-Debbie Pedro) Approved with conditions.

Commissioner Mordo mentioned he had an opportunity to speak with Mr. Dunckel, a neighbor of Lands of Chou, regarding the public hearing process. Mr. Dunckel indicated the reason they did not attend the public meeting was because they are good neighbors and friendly with the Chou's. Commissioner Mordo felt that sometimes good friendly relationships are a detriment to having a good discussion up front to avoid issues later. He wanted to make sure that the obvious effected neighbors with potential issues show up at the public meetings. Commissioner Clow explained that the project (Chou) story poles went to the bottom of the deck and they were not high enough for neighbors to determine the impact of the roof deck. Commissioner Kerns suggested a future discussion (December/January) regarding allowing roof decks. Commissioner Mordo further discussed "highly visible lots", referring to the Lands of Alon, suggesting making an effort to define what is a highly visible lot and defining the Planning Commission's latitude so it is not completely arbitrary and the range of their potential authority is known. Commissioner Kerns noted the difficulty of defining ridgeline and highly visible lots.

Jim Abraham, resident, referred to his uphill neighbor who went through a Fast Track process and now, due to the removal of trees, etc., is now a highly visible lot. Discussion ensued regarding the procedure for a Fast Track application.

9. REPORT FROM SITE DEVELOPMENT MEETING- SEPTEMBER 28 &
OCTOBER 5 & 12, 2004

- 9.1 LANDS OF ARNHEIM, 14241 Miranda Road (157-04-ZP-SD); A request for a Site Development Permit for a landscape screening plan. (staff-Leslie Pedro) Approved with conditions.
- 9.2 LANDS OF CHOW, 12590 Miraloma Way (186-04-ZP-SD); A request for a Site Development Permit for a landscape screening plan (staff-Leslie Hopper) Approved with conditions.
- 9.3 LANDS OF BALDWIN & PETERSON, 10310 Magdalena Road (154-04-ZP-SD); A request for a Site Development Permit for a landscape screening plan, fence, gate and hardscape improvements (staff-Leslie Hopper) Approved with conditions.
- 9.4 LANDS OF DEVIN AND GRANGER, 13701 Paseo Del Roble (167-04-ZP-SD); A request for a Site Development Permit for a 480 square foot pool and hardscape improvements (staff-Leslie Hopper) Approved with conditions.
- 9.5 LANDS OF WIMMER, 25555 Willow Pond Lane (181-04-ZP-SD); A request for a Site Development Permit for a 751 square foot addition and interior remodel. (staff-Debbie Pedro) Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 8:25 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary